

Assembly Bill No. 1708

Passed the Assembly January 26, 2006

Chief Clerk of the Assembly

Passed the Senate June 29, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 19822 to the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1708, DeVore. State employees.

Existing law requires the Director of the Department of Personnel Administration to determine the fair and reasonable value of maintenance, living quarters, housing, lodging, board, meals, food, household supplies, fuel, laundry, and other services furnished by the state as an employer of its employees. Existing law provides that the value so determined constitutes the charges to be made to the state employees for any such maintenance or services furnished by the state, unless the employee is entitled to these benefits as compensation for his or her services or as actual and necessary expenses incurred in the performance of the state's business.

This bill would revise that provision to specify that the director shall determine, by rule, the fair and reasonable value of these items and services. The bill would further require the director, by rule, to provide instruction for the administration of all lodging, maintenance, and other services furnished by the state as an employer to its employees. The bill would also specify that compliance with all the rules associated with these services is the responsibility of each director of each state department possessing lodging or supplying maintenance or other services to its employees. The bill would make other related changes to that provision.

The people of the State of California do enact as follows:

SECTION 1. Section 19822 of the Government Code is amended to read:

19822. (a) The director, by rule, shall determine the fair and reasonable value of maintenance, living quarters, housing, lodging, board, meals, food, household supplies, fuel, laundry,

domestic servants, and other services furnished by the state as an employer to its employees.

The value so determined shall constitute the charges to be made to state employees for any maintenance or other services furnished by the state, unless the employee is entitled to maintenance or other services as compensation for his or her services or as actual and necessary expenses incurred in the performance of the state's business. Whenever a state employee is entitled to maintenance or other services as part or full compensation for services rendered, the value thereof for retirement purposes, as defined by Section 20630, and for salary or wage fixing purposes, shall also be determined in accordance with the values established by the department. The director, by rule, shall provide instruction for the administration of all lodging, maintenance, and other services furnished by the state as an employer to its employees. The director, by rule, shall provide for reasonable opportunity to be heard by departments or employees affected by this section.

(b) Compliance with all rules associated with the lodging, maintenance, and other services furnished by the state as an employer to its employees shall be the responsibility of each director of each state department possessing lodging or supplying maintenance or other services to its employees.

(c) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

Approved _____, 2006

Governor